

## **Cabinet**

A meeting of Cabinet was held on Thursday, 11th September, 2008.

**Present:** Cllr Ken Lupton (Chairman), Cllr Mrs Jennie Beaumont, Cllr Robert Cook, Cllr Alex Cunningham, Cllr Steve Nelson, Cllr Mrs Mary Womphrey

**Officers:** G Garlick (CE); H Dean (ACE); J Danks (RES); M Robinson, C Straughan (DNS); D Welsh (PPC); J Humphreys, J Morrison, C Walsh (CESC); D Bond, M Henderson (LD)

**Also in attendance:** Cllr Mick Eddy, Cllr Mrs Maureen Rigg

**Apologies:** Cllr David Coleman, Cllr Terry Laing, Cllr Mrs Ann McCoy

### **CAB 70/08**

#### **Declarations of Interest**

Councillor Nelson declared a personal non prejudicial interest in the item entitled 'An Assessment of the Impact of the Neighbourhood Renewal Programme for Stockton-on-Tees 2001/2008' as he served on Tristar Homes Limited's Management Board.

### **CAB 71/08**

#### **Minutes of the meetings held on 21 July 2008 and 14 August 2008**

The minutes of the meetings held on 21 July 2008 and 14 August 2008 were signed by the Chairman as a correct record.

### **CAB 72/08**

#### **Raising Expectations - Enabling the System to Deliver**

Cabinet considered a report that provided an update on government proposals to transfer funding and commissioning responsibility for the delivery of quality education and training for young people aged 16-19 from the Learning and Skills Council (LSC) to individual local authorities from 2010.

The report also provided details of proposals for the development of a sub regional grouping to deliver the commissioning responsibility.

It was explained that from 2010 local authorities would have a statutory duty to provide learning places for pre-19 year olds, subject to legislation. By 2013 local authorities will have a statutory duty to deliver full participation for all 17 year olds in education and training, rising to 18 year olds by 2015. In addition, from 2010 they will have a duty to secure sufficient provision for young people up to the age of 19 (including, learners with learning difficulties and/or disabilities up to the age of 25 and young people in juvenile custody up to the age of 18), in line with their responsibility for commissioning all children and young people's services.

· In order to progress the changes, local authorities are required to identify how they intend to work together to deliver on their new responsibilities by September 26th 2008.

Members were reminded that the 5 Tees Valley authorities had signed a multi-area agreement (MAA), which was testament to the strong and effective partnerships which exist, supported by a common vision for the region and

vastly improved outcomes.

Travel to learn patterns indicate that the vast majority of young people remain close to home for their 16-19 phase of learning, this is particularly the case in the Tees Valley.

On this basis it was suggested that the 5 Tees Valley Authorities group together, as a sub-regional delivery group, for the strategic commissioning of 16-19 education and training. It was further suggested that the proposed statement of intent as attached to the report be adopted by the sub-regional group and be submitted to Government Office by the five Tees Valley Authorities in September.

It was noted that Stockton had been identified as a lead authority to co-ordinate the necessary work and enable a clear focus to be taken on behalf of the sub-region.

RESOLVED that:-

1. the 5 Tees Valley Authorities collaborate as a sub-regional grouping to strategically commission education and training for young people aged 16-19 from 2010.
2. the proposal attached as Appendix A to the report be agreed and adopted by the 5 Tees Valley Authorities, as the basis for a joint statement of intent to be submitted to Government Office in September.

**CAB  
73/08**

#### **MYPLACE Youth Facility**

Cabinet considered a report that provided background information and an update of progress made on the preparation for a bid under the Department for Children, Schools and Families' (DCSF) myplace funding process (standard route). The report also presented a capital option appraisal for the location of the myplace facility to be decided on.

Members noted that a Project Implementation Team (PIT) was established in early June 2008 to undertake the work necessary in the design and development of a 'world class and iconic' youth facility for the young people of Stockton-on-Tees. Membership of the PIT team had included representation and involvement from a wide range of partners, services providers and young people from the statutory, public, private, voluntary, community services.

From the onset a real commitment to engage and involve young people had been demonstrated and a wide consultation exercise had captured the views and opinions from young people across the Borough.

As with the consultation and involvement of young people, active community consultation and involvement had been embarked on from the onset and had been used to influence and shape the design of the funding application.

Through a business subgroup, an effective and strong multi agency partnership had been established which was responsible for the design and operational delivery of a range of services to young people as directed by the myplace

funding guidance.

It was explained that funding guidance was very clear that this facility must provide a wide range of high quality activities and opportunities available for young people. Members noted that a wide range of services and activities had been considered and a number of exciting concepts had emerged from the partnership working. It was intended that this facility would provide a wide range of key services and provisions to young people delivered in a partnership approach, and would potentially include a designated young people's health centre, high quality sports and leisure time activities, arts and culture services, dedicated young people's support services, vocational and non vocational opportunities, information advice, guidance and support services and socialising events.

In addition to the core services, other concepts were currently being explored which include developing this venue as a Centre of Excellence for Innovation, Commerce and Industry, working alongside secondary and further education establishments.

Members were informed that a capital subgroup had been responsible for undertaking the work involved in mapping out feasible locations, which could be suitable for this particular capital funding stream. An options appraisal, which was provided to Members, had been completed on existing feasible locations for this facility under the direction of the capital subgroup. It was explained that the preferred location, as detailed in the options appraisal, was to locate it alongside the development of the proposed North East Stockton Academy.

RESOLVED that:-

1. the developments of the process to date be approved.
2. the preferred option, North East Stockton Academy, for the location of the myplace site be submitted to DCSF.

**CAB 74/08 Local Authority Representatives on School Governing Bodies**

Members considered the nominations to school Governing Bodies in accordance with the procedure for the appointment of school governors, approved as Minute 84 of the Cabinet (11th May 2000).

RESOLVED that the following appointments be made to the vacant Governorships in line with agreed procedures subject to successful List 99 check and Personal Disclosure:

Bishopsgarth School Maths and Computing College - Barbara Warren  
Oxbridge Lane Primary School - Mrs Alison Stephenson

**CAB 75/08 Southern Gateway Compulsory Purchase Order**

Members considered a report that sought approval to proceed with the acquisition of land on the site of the former Glynn Webb retail site located on the North East corner of the junction between the A1305 and the A1130, known as 'Riverside Roundabout'.

Cabinet were reminded that capital funds had previously been approved to secure the acquisition of the site through negotiation with the current site owners.

It was explained that, to date, the negotiations had not been successful and the acquisition of the site was needed to deliver the highway improvement as part of the Tees Valley Bus Improvement scheme.

Powers to acquire the property area using a Compulsory Purchase Order under the Highways Act 1980 are required in order for this strategic improvement scheme to proceed. Members were provided with a plan detailing the location of the area in question.

RESOLVED that:-

1. the principle of securing land outside of the Council's ownership to deliver the Tees Valley Bus Major Scheme is accepted.

2. in relation to (1) above, the Director of Law and Democracy be authorised to take all necessary action to secure the acquisition of the land and any necessary rights over the land identified at Appendix B to the report or such additional land as may be deemed necessary by the Head of Technical Services for the purposes set out in this report using compulsory purchase powers pursuant to part XII of the Highways Act 1980, as necessary, and the subsequent transfer of the land and rights to the Council by means of a General Vesting Declaration or Notice to Treat.

3. the Corporate Director of Development and Neighbourhood Services, in consultation with the Cabinet Member for Regeneration and Transport, work to support the Compulsory Purchase Order process and then if secured, develop and implement the proposed highway improvement scheme, as previously agreed by Cabinet on 7 September 2006 minute reference 521.

**CAB 76/08     An Assessment of the Impact of the Neighbourhood Renewal Programme for Stockton-on-Tees 2001/2008**

Cabinet considered a report relating to the Neighbourhood Renewal Programme for Stockton on Tees.

It was explained that over £23 million of Neighbourhood Renewal Funding (NRF) had been allocated through the Local Strategic Partnership (LSP) since 2001. This had been used to target delivery against the Neighbourhood Renewal National Floor Targets, with projects being implemented across the most disadvantaged areas within the borough to improve services, reduce inequality, tackle unemployment, address health issues and to fight crime. Cabinet was presented with a review of the programme of interventions to assess best practice and to provide an evaluation of the impact of the programme.

Cabinet was given details of the NRF transitional year agreed by the Council through its budget setting process due to the late announcement of deprivation funding as part of the Comprehensive Spending Review 2008-11.

It was noted that Thematic Lead Officers and Thematic Partnerships would be requested to evaluate the success of their packages and consider mainstreaming options for the successful interventions from their packages from October 2008.

Members of Cabinet were provided with a copy of the assessment report.

RESOLVED that the assessment report on the effectiveness of the NRF Programme 2001-2008 be noted.

**CAB  
77/08**      **Neighbourhood Element Delivery Plan 2008-10 and Beyond**

Cabinet considered a report relating to the Neighbourhood Element Delivery Plan 2008-10.

It was explained that the Neighbourhood Element Delivery Plan 2008-10 for the St Ann's area, covered the Portrack and Tilery and Mount Pleasant neighbourhoods. The Delivery Plan itself identified progress and achievements to date, outlined priorities for 2008/9 and explored the future options available to the St Ann's Board and Cabinet when the Neighbourhood Element funding included in the Area Based Grant ends in March 2010.

Cabinet were provided with details of some of the key achievements under the various sub groups for the St Ann's Development Board in Year 1 and Year 2.

It was explained that the Board was entering an important phase in 2008/9 where it must consider the longer-term sustainability of the programme and of the board itself. It was noted that subject to Cabinet agreement the St. Ann's Development Board would need to consider the Delivery Plan further and in particular areas of sustainability. It was proposed that officers work with the Board to consider a way forward on these sustainability areas through a sub-group.

Cabinet were provided with a copy of the Neighbourhood Element Delivery Plan 2008-10 and beyond.

RESOLVED that:-

1. The Neighbourhood Element Delivery Plan for the St Ann's Development Board area be agreed.
2. A performance management framework approach to support the delivery plan be developed for 2008-10.

**CAB  
78/08**      **Minutes of Various Bodies**

Consideration was given to the minutes of the meetings of Area Partnership Boards.

RESOLVED that the minutes of the following meetings be received/approved, as appropriate:-

St. Ann's Development Board 3 July 2008

St. Ann's Development Board 7 August 2008  
The Billingham Partnership 7 July 2008  
The Billingham Partnership AGM 7 July 2008

**CAB  
79/08**      **Appointments to Outside Bodies**

Cabinet considered a report relating to appointments to outside bodies.

It was explained that at the meeting of Cabinet held on 24th April 2008 Cabinet approved appointments to Outside Bodies for the Municipal Year 2008/2009.

On 9th July 2008 Councillor Coleman was appointed to Cabinet as Lead Cabinet Member for Access and Communities.

Subsequently, it was now necessary for Councillor Coleman to be appointed to the relevant Outside Bodies that now fell within the portfolio for Access and Communities; and for the previously appointed Cabinet Member (Councillor Laing) to be removed, as appropriate.

RESOLVED that Councillor Coleman be appointed to the following Outside Bodies as a direct replacement for Councillor Laing:-

North East Consortium for Asylum Support (NECCAS)  
North East Strategic Migration Partnership  
North East Strategic Partnership for Asylum and Refugee Support (NESPARS)

**CAB  
80/08**      **Financial Position Update - Quarter 1  
April-June 2008**

Cabinet considered a report that provided Members with information on the Council's projected outturn position as at quarter 1, the Medium Term Financial Plan and the level of working balances.

Cabinet were provided with a table detailing the current MTFP position for each service. It was explained that this was compared to the projected position, based on financial information to the end of March, as reported to Cabinet on 16th July 2008.

Details of budget variances were provided in respect of each service. Members noted that there were signs that the prevailing economic climate was having an impact through increased costs and calls on the Council's services.

Members were provided with a summarised position relating to General fund balances and noted that the projected working capital at the end of March 2009 was £9.1 million. It was suggested that balances be retained at that level.

Cabinet considered an outline of the Capital budget for 08/09. It was explained that since budget setting the capital budget had been amended to reflect increases within Children, Education and Social Care service for a Standard Fund Grant received to fund the Computers for pupils scheme (£543,000) and within Development and Neighbourhood Services, for a developer contribution received to supplement the Integrated Transport block (£205,000).

Movement from the approved budget included a reduced programme of £118,000 and a re-profiling of approved expenditure of £824,000.

**RECOMMENDED to Council that:-**

- 1. the overall report be noted.**
- 2. the revised MTFP be noted.**
- 3. the level of working balances be noted and retained at £9.1 million**
- 4. the re-profiled approved capital expenditure of (£824,000), and a reduced programme of (£118,000) be approved.**

**CAB 81/08 Alterations to the Constitution - Decisions made Contrary to Officer Recommendation and Informal Hearings**

Cabinet considered a report relating to decisions made contrary to officer recommendation at Planning Committee and informal hearings.

It was explained that following several recent cases where applications contrary to officer recommendation had been the subject of informal hearings through the appeals process, it was considered that it would be beneficial to establish an agreed protocol, clearly setting out the roles and responsibilities of Members and Officers throughout this process. To inform this proposal, benchmarking took place with other authorities, and a number of scenarios were assessed, along with examination of the Royal Town Planning Institute (RTPI) code of professional code and planning advice notes on the matter.

Cabinet were informed that in addition to this, there were increasing concerns about the number of planning decisions which were being made contrary to officer recommendation in cases where the planning merits clearly did not support the decisions which Members wished to make and the risk that this posed to the authority both in terms of reputation and of potential costs. It was proposed to introduce a new procedure prior to the determination of such applications.

Cabinet considered information relating to both issues and proposed alterations to the constitution in line with the recommendations made.

It was noted that Members of Planning Committee had been consulted and a suggestion had been made that a review of the appeal process should be undertaken one year after implementation of the protocol for appeal hearings and inquiries made contrary to officer recommendation.

**RECOMMENDED to Council that:-**

- 1. The alterations to the Constitution and Protocol for planning appeals be approved.**
- 2. The necessary changes to the Constitution be made and the Planning Code of Conduct be updated to incorporate the Protocol.**

**3. A review be undertaken by the Head of Planning and the Chair of Planning Committee in consultation with the Cabinet Member for Regeneration & Transport one year after the implementation of the protocol for appeal hearings and inquiries made contrary to officer recommendation.**